

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**BRANDI LYNNE ANDREWS AKA
BRANDY LYNNE ANDREWS
16948 E. Prentice Place
Centennial, CO 80015**

**5550 SW Woods Chapel Road
Blue Springs, MO 64015**

Registered Nurse License No. 718058

Respondent.


Case No. 2009-274

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **December 8, 2009.**

IT IS SO ORDERED this **December 8, 2009.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
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Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2009-274

11 **BRANDI LYNNE ANDREWS AKA**
12 **BRANDY LYNNE ANDREWS**
13 **16948 E. Prentice Place**
Centennial, CO 80015

STIPULATED SURRENDER OF
LICENSE AND ORDER

14 **5550 SW Woods Chapel Road**
15 **Blue Springs, MO 64015**

16 **5727 Ravenspur Drive, #104**
17 **Rancho Palos Verdes, CA 90275**

18 **Registered Nursing License No. 718058**

19 Respondent.

20
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
22 proceeding that the following matters are true:

23 **PARTIES**

24 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of the Board of
25 Registered Nursing (Board), Department of Consumer Affairs. She brought this action solely in
26 her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General
27 of the State of California, by Linda L. Sun, Deputy Attorney General.

28 2. Brandi Lynne Andrews aka Brandy Lynne Andrews (Respondent) is representing
herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

1 3. On or about January 14, 2008, the Board of Registered Nursing issued Registered
2 Nursing License No. 718058 to Respondent. The license was in full force and effect at all times
3 relevant to the charges brought in Accusation No. 2009-274 and will expire on January 31, 2010,
4 unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 2009-274 was filed before the Board and is currently pending against
7 Respondent. The Accusation and all other statutorily required documents were properly served
8 on Respondent on May 29, 2009. Respondent timely filed her Notice of Defense contesting the
9 Accusation. A copy of Accusation No. 2009-274 is attached as Exhibit A and incorporated herein
10 by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 2009-274. Respondent also has carefully read, and understands the effects of this
14 Stipulated Surrender of License and Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents; the right to reconsideration
20 and court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 2009-274, agrees that cause exists for discipline, and hereby surrenders her Registered
27 Nursing License No. 718058 for the Board's formal acceptance.

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1 9. Respondent understands that by signing this stipulation she enables the Board to issue
2 an order accepting the surrender of her Registered Nursing License without further process.

3 **CONTINGENCY**

4 10. This stipulation shall be subject to approval by the Board of Registered Nursing.
5 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
6 Registered Nursing may communicate directly with the Board regarding this stipulation and
7 surrender, without notice to or participation by Respondent. By signing the stipulation,
8 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
9 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
10 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be
11 of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
12 between the parties, and the Board shall not be disqualified from further action by having
13 considered this matter.

14 11. The parties understand and agree that facsimile or electronic copies of this Stipulated
15 Surrender of License and Order, including facsimile or electronic signatures thereto, shall have
16 the same force and effect as the originals.

17 12. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or formal proceeding, issue and enter the following Order:

19 **ORDER**

20 IT IS HEREBY ORDERED that Registered Nursing License No. 718058, issued to
21 Respondent Brandi Lynne Andrews aka Brandy Lynne Andrews is surrendered and accepted by
22 the Board of Registered Nursing.

23 13. The surrender of Respondent's Registered Nursing License and the acceptance of the
24 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
25 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
26 license history with the Board.

27 14. Respondent shall lose all rights and privileges as a Registered Nurse in California as
28 of the effective date of the Board's Decision and Order.

1 15. Respondent shall cause to be delivered to the Board both her wall certificate if one
2 was issued, and pocket license on or before the effective date of the Decision and Order.

3 16. If Respondent ever applies for licensure or petitions for reinstatement in the State of
4 California, the Board shall treat it as a petition for reinstatement of licensure. Respondent must
5 comply with all the laws, regulations and procedures for licensure in effect at the time the
6 application or petition is filed, and all of the charges and allegations contained in Accusation No.
7 2009-274 shall be deemed to be true, correct and admitted by Respondent when the Board
8 determines whether to grant or deny the application or petition.

9 17. Upon reinstatement or issuance of a new license, Respondent shall pay to the Board
10 costs associated with its investigation and enforcement pursuant to Business and Professions
11 Code section 125.3 in the amount of three thousand two hundred and seventy-nine dollars
12 (\$3,279). Respondent shall be permitted to pay these costs in a payment plan approved by the
13 Board.

14 18. Respondent shall not apply for licensure or petition for reinstatement for two (2)
15 years from the effective date of the Board of Registered Nursing's Decision and Order.

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DATED: 7/9/09 Brandi Andrews
BRANDI LYNNE ANDREWS AKA
BRANDY LYNNE ANDREWS
Respondent

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General

LINDA L. SUN
Deputy Attorney General
Attorneys for Complainant

BELIEVED

Exhibit A

Accusation No. 2009-274

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 KIMBERLEY J. BAKER-GUILLEMET, State Bar No. 242920
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4 300 So. Spring Street, Suite 1702
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6
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-274

13 BRANDY LYNNE ANDREWS
5727 Ravenspur Dr. #104
Rancho Palos Verde, CA 90275
Registered Nursing License No. 718058

ACCUSATION

14 Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely
19 in her official capacity as the Executive Officer of the Board of Registered Nursing.

20 2. On or about January 14, 2008, the Board of Registered Nursing issued
21 Registered Nursing License Number 718058 to Brandy Lynne Andrews (Respondent). The
22 Registered Nursing License was in full force and effect at all times relevant to the charges
23 brought herein and will expire on January 31, 2010, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing
26 (Board), under the authority of the following laws. All section references are to the Business and
27 Professions Code unless otherwise indicated.

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1 4. Section 2750 of the Business and Professions Code (Code) provides, in
2 pertinent part, that the Board may discipline any licensee, including a licensee holding a
3 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
4 2750) of the Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
6 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
7 against the licensee or to render a decision imposing discipline on the license. Under section
8 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
9 the expiration.

10 6. Section 2761 of the Code states:

11 "The board may take disciplinary action against a certified or licensed nurse or
12 deny an application for a certificate or license for any of the following:

13 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

14 ...

15 "(4) Denial of licensure, revocation, suspension, restriction, or any other
16 disciplinary action against a health care professional license or certificate by another state or
17 territory of the United States, by any other government agency, or by another California health
18 care professional licensing board. A certified copy of the decision or judgment shall be
19 conclusive evidence of that action."

20 7. Section 118, subdivision (b), of the Code provides that the suspension,
21 expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to
22 proceed with a disciplinary action during the period within which the license may be renewed,
23 restored, reissued or reinstated.

24 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
25 request the administrative law judge to direct a licensee found to have committed a violation or
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
27 and enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action By Another Government Agency)**

3 9. Respondent is subject to disciplinary action under section 2761(a)(4) in
4 that Respondent has been disciplined by the Colorado Board of Nursing. The circumstances are
5 as follows:

6 10. On or about September 28, 2004, the Colorado Board of Registered
7 Nursing issued Registered Nursing License Number RN-169461 to Respondent. The Colorado
8 Registered Nursing License expired on September 30, 2008, and has not been renewed. On or
9 about February 11, 2009, Respondent entered into a "Stipulated Agreement to Cease Practice"
10 with the Colorado Board of Nursing. By this Agreement, Respondent is barred from practicing
11 as a Registered Nurse in the state of Colorado.

12 11. The Discipline Case Summary Report for the above-referenced "Stipulated
13 Agreement to Cease Practice" states the following in the narrative section:

14 "In 2003 and 2004, while employed as a professional nurse at a hospital in
15 Kansas, licensee diverted controlled substances, for her own use, from her employer. She self-
16 referred to the Kansas Board of Nursing's diversion program in January 2004. In 2004, the
17 Colorado Board of Nursing granted her licensure with the condition that she participate in the
18 Board's diversion program. Licensee had several instances of non-compliance with her Colorado
19 monitoring contract to include submitting dilute urine samples for drug testing and missing nurse
20 support groups. In January 2008, licensee relocated to California, agreeing to participate in the
21 California Board's diversion program. On or about June 13, 2008, licensee notified the Colorado
22 diversion program and the California diversion program that she had relapsed on alcohol and no
23 longer wished to practice nursing."

24 **DISCIPLINARY CONSIDERATIONS**

25 **(Termination from Diversion Program)**

26 12. Effective June 12, 2008, Respondent was terminated from the California
27 Board of Registered Nursing Diversion Program.

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PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nursing License Number 718058, issued to Brandy Lynne Andrews.

2. Ordering Brandy Lynne Andrews to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 5/1/09


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

LA2008601623
AND ACC.WPD